HIGH COURT OF CHHATTISGARH AT BILASPUR

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Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.316 of 2007

Appellant Plaintiff	Dr. B. Adi Narayana S/o Late B. Parsaiya Aged about 76 years, R/o Laxmi Nilayam Janki Road, Padum Nagar, Bhilai-3, Tahsil Patan, District Durg (C.G.)

versus

Respondent Defendant	N. Laxmi Narayana S/o N. Narsimhlu, Aged about 52 years, R/o Indira Nagar, B.M.Y. Charoda, Tahsil Patan, District Durg (C.G.)

Second Appeal under Section 100 of the Code of Civil Procedure, 1908

Present : Smt. Fouzia Mirza, counsel for the appellant.

ORAL ORDER

(Passed on 22nd August, 2007)

Heard on admission.

(2) The appellant/plaintiff is aggrieved by the judgment dated 13-04-2007 passed by the 11th Additional District Judge (F.T.C.), Durg in Civil Appeal No.15-A/2005 whereby the judgment dated 25-06-2005 passed by the 7th Civil Judge Class-II, Durg in Civil Suit No.52-A/2002 dismissing the plaintiff's suit for damages on account of defamation was affirmed.

(3) The sole point urged by learned counsel for the appellant/plaintiff is that both the Courts below have erred in rejecting the testimony of the appellant/plaintiff solely on the ground that no independent witness present at the meeting was examined.

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(4) Having considered the submission made by learned counsel for the appellant/plaintiff, I have perused the impugned judgments. In view of the fact that the respondent/defendant had led evidence in rebuttal to show that no such defamatory words were used against the appellant/plaintiff, the trial Court as also the lower appellate Court were wholly justified in disbelieving the testimony of the appellant/plaintiff for want of independent corroboration and dismissing the plaintiff's suit.

(5) In my considered opinion, no substantial question of law arises for determination in this appeal which is accordingly dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane